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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,058	03/26/2004	Stephen A. Thomas	06949.105018	8083

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KING & SPALDING LLP
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ATLANTA, GA 30309-3521

EXAMINER

WANG, LIANG CHE A

ART UNIT	PAPER NUMBER
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2153

MAIL DATE	DELIVERY MODE
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10/29/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/811,058

Applicant(s)

THOMAS, STEPHEN A.

Examiner

Liang-che Alex Wang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>multiple</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 4-23 are presented for examination.

Paper Submitted

2. It is hereby acknowledged that the following papers have been received and placed of record in the file:

- a. **Information Disclosure Statements** as received on 11/20/2006, 6/19/2006, 4/21/2006, 3/3/2006, 11/02/200, 3/26/2004 are considered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stoltz et al., US Patent Number 6,615,264, hereinafter Stoltz, in views of Sikora et al., US Patent Number 6,449,646, hereinafter Sikora.
5. Referring to claim 4, Stoltz teaches a computer-implemented method for providing clearinghouse services to a client device in an Internet Protocol (IP) telephony system (figure 2), comprising the steps of:
 - a. transmitting a communication session set-up request (startup request) for a communication session to a proxy server (authentication manager 204) from a

client application operating on the client device (network terminal 202)(Col 8 lines 29-31, network terminal 202 sends a startup request to authentication manger 204), the client device and the proxy server coupled to an IP network (Col 8 lines 45-56);

- b. transmitting an authorization request from the proxy server to a clearinghouse service running on a service point (authentication module 240) coupled to the IP network (figure 2, and Col 9 lines 50-51, authentication manager 204 presents a message to authentication module 240), the clearinghouse service being accessible only by the proxy server (authentication manager 204) and one or more gateways (services 230-238)(figure 2);
- c. transmitting an authorization response from the service point (authentication module 240) to the proxy server (authentication manager 204) via the IP network (figure 2 and Col 10 lines 46-52, 59-64), the authorization response comprising the identity of one or more terminating gateways coupled to the IP network and available to complete the communication session (Col 10 lines 35-43), and an authorization token for each identified terminating gateway (Col 10 lines 1-12);
- d. selecting one of the terminating gateways with the proxy server to complete the communication session (Col 10 lines 59-64);
- e. transmitting via the proxy server the communication session set-up request to the selected terminating gateway via the IP network (Col 10 lines 59-64); and
- f. establishing the communication session via the selected terminating gateway (Col 10 line 67 – Col 11 line 5).

Stoltz does not teach a communication session is established via PSTN.

However, Sikora teaches a PSTN is coupled to the devices and servers for communication connections (figure 1, computer system is coupled to PSTN 26 and PSTN is coupled to server 36 with gateway 40, Col 4 lines 4-16).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate PSTN of Sikora in Stoltz such that to have Stoltz system to be able to implemented with a PSTN because Stoltz teaches a data communication system that is having a plurality of nodes interconnected together (figure 2), and Sikora is suggesting the use of PSTN for connecting nodes in the communication system of Stoltz.

A person with ordinary skill in the art would have been motivated to make the modification to Stoltz because having the PSTN would allow a wider variety of communication method and protocols to be implemented on Stoltz's system as taught by Sikora.

6. Referring to claim 5, Stoltz as modified teaches the method of claim 4, further comprising receiving user authentication information, wherein the user authentication information comprises a pass-word (Col 9 lines 16-26).
7. Referring to claim 6, Stoltz as modified teaches the method of claim 4, further comprising receiving user authentication information, wherein the user authentication information comprises payment information (Col 10 lines 21-26).
8. Referring to claim 7, Stoltz as modified teaches the method of claim 4, further comprising terminating the call set-up request if the client application is not a valid user of the services maintained at the proxy server (Col 19 lines 37-46).

9. Referring to claim 8, Stoltz as modified teaches the method of claim 4, wherein transmitting via the proxy server a communication session set-up request to the selected terminating gateway via the IP network further comprises formatting the set-up request according to one of a H.323 and SIP protocol (Sikora Col 11 lines 64-66).
10. Referring to claim 9, Stoltz as modified teaches the method of claim 4, further comprising determining if the proxy server is a valid user of the call delivery services of the selected terminating gateway and determining if an authorization token has been issued by a known and valid clearinghouse service (Col 12 lines 35-48).
11. Referring to claim 10, Stoltz as modified teaches the method of claim 4, further comprising determining if the proxy server is a valid user of the call delivery services of the selected terminating gateway and determining if an authorization token has been issued within an expiration period (Col 10 lines 13-19).
12. Referring to claim 11, Stoltz as modified teaches the method of claim 4, further comprising determining if the proxy server is a valid user of the call delivery services of the selected terminating gateway and comparing a called number and a call identifier to information maintained in an authorization token (Col 12 lines 35-48).
13. Referring to claims 12-23 claims 12-23 encompass the same scope of the invention as that of the claims 4-11. Therefore, claims 12-23 are rejected for the same ground as the claims 4-11.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is reminded that in amending in response to a rejection of claims,

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the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objection made. Applicant must show how the amendments avoid such references and objections. See 37 CFR 1.111(c).

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liang-che Alex Wang whose telephone number is (571)272-3992. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.
16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Liang-che Alex Wang
October 22, 2007

